

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ALPHONSE DWANE OWENS,) CASE NO. 14-05792-JMC-13
)
)
DEBTOR(S).)

**TRUSTEE'S MOTION TO DISMISS OR
ALTERNATIVELY, FOR AN ORDER CONVERTING TO CHAPTER 7**

Comes now Robert A. Brothers, Trustee herein, and moves the Court to enter an order dismissing the above-referenced Chapter 13 proceeding or, alternatively, for debtor to convert to a Chapter 7 for the reason(s) that follow:

1. The debtor's Chapter 13 case was filed on June 18, 2014;
2. Under the terms of the plan filed March 16, 2015, payments are in arrears \$7,246.39 or approximately five (5) months;
3. The debtor is to turnover potential proceeds from FDCPA claims. These claims are an asset of the debtor's Chapter 13 estate pursuant to operation of 11 U.S.C. 1306(a)(1).

This case is clearly ripe for dismissal given the debtor's default in plan payments, but the Code provides for the Court to convert this Chapter 13 to a Chapter 7 if it determines that such action is in the best interest of creditors and the estate. See 11 U.S.C. 1307(c).

Parties are hereby notified that any objection to this Motion must be filed with the Court within twenty-one (21) days from the date of service. Objections must be filed either electronically (for those who are authorized ECF filers) or by delivery to the Clerk's Office by mail or in person to Birch Bayh Federal Building and United States Courthouse, 46 E. Ohio Street, Room 116, Indianapolis, Indiana 46204. The objection must be served on the trustee, the debtors, and any attorney for the debtor(s). If no objection is timely filed, an order may be entered by the Court for the relief requested.

WHEREFORE, after notice and hearing, your Trustee requests that the Court enter an order dismissing or converting the instant Chapter 13 proceeding.

Respectfully submitted,
Robert A. Brothers, Trustee

Date: 3/20/15

/s/ Robert A. Brothers
Robert A. Brothers, Trustee
151 N. Delaware St., Suite 1400
Indianapolis, IN 46204
(317) 636-1062
(317) 636-1186 (fax)

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing instrument has been duly served upon the following individuals, electronically or by United States mail, first-class postage prepaid, on the 20th day of March 2015:

Jason Royce Allen notices@lawsolutionsbk.com
U.S. Trustee ustregion10.in.ecf@usdoj.gov

Alphonse Dwane Owens
1330 Oak Lake Lane
Brownsburg, IN 46112

/s/ Robert A. Brothers